MAY 1 7 2004 BY

Jan 1.972

**Patent** 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David M. Pepper,

Re: Information Disclosure
Statement

et al. Serial No.: 10/661,028

Group: 2872

Filed: September 11, 2003

) Examiner: not yet assigned

For: "OPTICAL RETRO-REFLECTIVE

Our Ref: B-4077 618504-4

APPARATUS"

) Date: May 12, 2004

Commissioner for Patents P.O. Box 1450

Alexandria VA, 22313-1450

Sir:

In accordance with the Applicants' duty to disclose information which may be material to the examination of this application, the undersigned respectfully requests that the Examiner consider on the merits the documents listed on the enclosed Form PTO-1449 (modified) before issuing the first Office Action on the merits. We are enclosing herewith a copy of each document listed on the enclosed Form PTO-1449 (modified).

The documents listed on the enclosed Form PTO-1449 (modified) include those cited in the partial International Search Report for a related PCT application no. PCT/US03/33361 (6 pages). A copy of the partial International Search Report is enclosed herewith.

The filing of this Information Disclosure Statement (IDS) shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The Applicants believe that this IDS is being submitted before the issuance of a first Office Action on the merits and before the issuance of a Final Rejection or Notice of Allowance. Therefore,

Information Disclosure Statement USSN 10/661,028 May 12, 2004 Page 2

no official fees should be due; and this IDS should be considered on the merits. If this IDS is being submitted after the issuance of the first Office Action on the merits and before the issuance of a Final Rejection or Notice of Allowance, please contact the undersigned to authorize a payment of \$180.00 (or any other required amount), which is the fee set forth in 37 C.F.R. § 1.97(c), if the Examiner believes that such a fee is due in order for this IDS to be considered on the merits.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. (Notice of January 9, 1992, 1135 O.G. 13-25, at 25.)

The person making this statement is the practitioner who signs below on the basis of information supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)) and on the basis of information in the practitioner's file.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450",

on May 12, 2004 by Shana Morda.

Ross A. Schmitt

Respectfully submitted,

Attorney for Applicant

Reg. No. 42,529

LADAS & PARRY 5670 Wilshire Boulevard Suite 2100 Los Angeles, CA 90036 (323) 934-2300

Enclosures: Form PTO-1449 (modified) (1 page)

Copy of Search Report for PCT/US03/33361 (6 pages)
Copy of documents listed on Form PTO-1449 (modified)

Information Disclosure Statement
MAY 12, 2004
Page 3

Form PTO-1449 (Modified)	<b>ATTY DOCKET NO.</b> B-4077 618504-4	<b>U.S. SERIAL NO.</b> 10/661,028	
LIST OF PATENTS AND PUBLICATIONS STATEMENT	APPLICANTS David M. Pepper, et al.		
STATEMENT	FILING DATE September 11, 2003	<b>GROUP</b> 2872	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	ISSUE DATE	NAME	CLASS	SUB- CLASS	FILING DATE or 102(e) DATE IF APPROPRIATE
	5,315,430	5/1994	Brennan et al.	359	248	
	5,412,499	5/1995	Chiu et al.	359	248	
	5,777,318	7/1998	Krishnamoorthy et al.	250	214 LS	
	5,966,227	10/1999	Dubois et al.	359	170	

OTHER DOCUMENTS	(Including	Author, Title,	Date, Pertinent	Pages,	Etc.)
			<u></u>		

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.